

## NILS ELIASSON – Partner



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Nils Eliasson specializes in international commercial arbitration and investment treaty arbitration. Based in Hong Kong, Nils is responsible for Mannheimer Swartling's Asian dispute resolution practice. He is a Council member of the Hong Kong International Arbitration Centre (HKIAC). Nils is ranked in Chambers and Partners' Asia Pacific Guide 2012, 2013, and 2014 for Hong Kong in the category "Dispute Resolution: International Arbitration". According to Chambers, clients admire his working style, saying: *"He's refreshing, really engaged in the arbitration field, and a smart, personable practitioner, and has an opinion on things."*

Nils has acted as counsel or arbitrator in disputes encompassing joint ventures, mergers and acquisitions, supply agreements, construction, energy and natural resources, infrastructure and engineering, license disputes, telecommunications, real estate, insurance, and other areas. Nils has represented clients before arbitral tribunals in various jurisdictions, and has experience in conducting arbitrations under the auspices of most major arbitration institutes (including, inter alia, the CIETAC, DIS, ICC, ICSID, HKIAC, LCIA, SCC, SIAC and VIAC) as well as ad hoc proceedings under the UNCITRAL arbitration rules. He has experience of disputes governed by various different national legal systems, including Austrian, Chinese, Dutch, English, French, German, Hong Kong, Indian, Japanese, Kazakh, Korean, Malaysian, Russian, Singaporean, Swedish, Swiss, Ukrainian, U.S. (New York), and Vietnamese. He has also acted as counsel for investors and States in a number of investment arbitrations under bilateral investment treaties as well as under the Energy Charter Treaty. Nils sits as an arbitrator in institutional and ad hoc arbitrations. He is listed on HKIAC:s and CIETAC:s panels of arbitrators.

Nils is also a representative for Hong Kong on the ICC Arbitration Commission. The ICC Commission is the body within the ICC that drafted the ICC Arbitration Rules and is entrusted with the development of ICC's policies and practices within the field of arbitration.

### Sample of recent cases as counsel

- Counsel for a Chinese State-Owned Enterprise in an SCC arbitration governed by Swedish law arising out of a series of engineering services contracts for the design and construction of a petrochemical plants. The disputed amount is USD 1.8 billion;
- Counsel for a Chinese State-Owned Enterprise in an SCC arbitration governed by Swedish law arising under a long-term gas supply agreement. The disputed amount exceeds USD 2 billion;
- Counsel for a Chinese company in HKIAC arbitration proceedings against a US company concerning a joint venture and technology transfer. The claim exceeded USD 75 million;
- Counsel for a Finnish company in an arbitration in Singapore against a Chinese company under the ICC Rules. The dispute concerns design, engineering, equipment and related

technology licenses for a metals processing technology plant. The dispute is governed by Chinese law. The disputed amount exceeds EUR 100 million;

- Counsel for European aviation technology company in an ICC arbitration in Hong Kong with a Chinese aviation group. The value of the claim exceeds USD 80 million;
- Counsel for an American company against a Chinese Company in ICC arbitration proceedings concerning a manufacturing joint venture. The claim is about USD 40 million;
- Counsel for a German company in four parallel CIETAC arbitration proceedings concerning industrial processes for the solar power industry. The total claim is about RMB 150 million;
- Counsel for a European engineering company in an ICC arbitration in Singapore against a Chinese company concerning a technology transfer and license agreement;
- Counsel for a Swiss company in ICC arbitration proceedings against a Chinese company concerning a joint venture. The claim was approximately USD 30 million;
- Counsel for a Hong Kong company in ICC arbitration proceedings in Geneva against a Russian company concerning delivery of an off-shore production facility. The value of the claim was approximately USD 30 million;
- Counsel for a Swiss company against a Chinese company in arbitration proceedings in Hong Kong under the HKIAC Rules. The dispute concerns call-option rights in a joint venture agreement. The dispute is governed by Chinese law. The disputed amount is approximately USD 30 million;
- Counsel for a Chinese company against an Australian company in arbitration proceedings in Hong Kong under the ICC Rules. The dispute concerns supply of industrial equipment. The dispute is governed by the CISG. The disputed amount is approximately USD 12 million;
- Counsel for a multi-national energy company in an investment treaty arbitration in Washington against the Federal Republic of Germany under the Energy Charter Treaty and the ICSID Convention (value of the claim exceeds EUR 1.4 billion);
- Counsel for a shareholder of Yukos in investment treaty arbitration against the Russian Federation based on a bilateral investment treaty (value of the claims exceeding USD 75 million);
- Counsel for US oil and gas company in an arbitration under the UNCITRAL Rules against a sovereign State regarding a production sharing agreement for extraction of hydrocarbons (value of claim approximately USD 200 million).

### **Experience**

- Partner, Head of Dispute Resolution Asia, Mannheimer Swartling, Hong Kong, 2011-
- Head of Dispute Resolution Asia, Mannheimer Swartling, Hong Kong, 2009-
- Associated Expert, International Trade Law Division, the United Nations Office of Legal Affairs also functioning as the Secretariat of the UNCITRAL, 2003-2004
- Associate, Mannheimer Swartling, 2001-2008
- Full time academic researcher and doctoral candidate at the Faculty of Law, University of Lund 1999-2001

### **Education**

- Doctor of laws (Jur.dr.), University of Lund, 2002
- Master of laws (Jur. kand), University of Lund, 1999
- Comparative and International Law, University of Utrecht, 1998-1999

### **Appointments and professional memberships**

- Member of the HKIAC Council
- Commission on Arbitration, International Chamber of Commerce
- Arbitration Committee, International Chamber of Commerce - Hong Kong, China
- Panel of arbitrators of the HKIAC
- Chartered Institute of Arbitrators
- Board of the HK45
- International Bar Association
- Inter-Pacific Bar Association

### **Sample of publications**

- Chapter on “Stockholm as a Forum for Investment Treaty Arbitration”, in *International Arbitration in Sweden – A Practitioner’s Guide* (Wolters Kluwer, 2013)
- Co-author of the “Hong Kong Arbitration Ordinance – Commentary and Annotations” (Sweet & Maxwell, 2011)
- Chapter on “Investment Arbitration and Hong Kong”, in *Arbitration in Hong Kong: A Practical Guide* (2<sup>nd</sup> ed.) (Sweet & Maxwell, 2011)
- “Chinese Investment Treaties: Jurisdictional Aspects”, in *Foreign Investment and Dispute Resolution Law and Practice in Asia* (Routledge, 2011)
- “Investment Treaty Protection of Chinese Natural Resources Investments”, *Transnational Dispute Management* (Volume 7, issue 04, December 2010)
- “Review of Investment Treaty Awards by Municipal Courts”, in *Arbitration under International Investment Agreements* (Oxford University Press, 2010)
- “Security for Costs in Investment Arbitration”, in *Between East and West: Essays in honour of Ulf Franke* (Juris Publishing, 2010)
- “Investor-State Arbitration and Chinese Investors”, *Contemporary Asia Arbitration Journal*, vol. 2, no. 2 (November 2009)
- “Investor-State Arbitration and China – An Overview”, in M. Moser (ed.), *Business Disputes in China*, 3<sup>rd</sup> ed., (Juris Publishing, 2009)
- The UNCITRAL Model Law on Arbitration and the Swedish Arbitration Act: A Comparison’, in Heuman/Jarvin, *The Swedish Arbitration Act of 1999, Five Years On: A Critical Review of Strengths and Weaknesses* (Juris Publishing, 2006)
- *Protection of Accrued Pension Rights. An Inquiry into Reforms of Statutory and Occupational Pension Schemes in a German, Norwegian and Swedish Context* (Juristförlaget, Lund 2001)
- *Towards a New Property?*, *EJSS*, Vol. 4/1, 2002, pp. 55-76 (Kluwer Law International)

### **Sample of recent speaking appointments at seminars and conferences (2011-2013)**

- Moderator at the conference 20 years of Energy Charter Treaty organized by the SCC, the Energy Charter Secretariat and ICSID, Paris, 7 March 2014.
- Conference Moderator at the 1<sup>st</sup> Indonesia and South-East Asia Arbitration Summit organized by Kluwer Law, Jakarta, 12 December 2013.
- Spoke on “National Court Review of Investment Treaty Awards” at the seminar *International Arbitration in International Law*, organized by the HKIAC and the HK45, Hong Kong, 3 July 2013;
- Spoke on “Jurisdiction, Investment Planning and Treaty Shopping under Chinese BITs” at the Asia-Pacific Regional Arbitration Group (APRAG) conference hosted by CIETAC, Beijing, 27-29 June 2013;
- Spoke on “Managing Cross-Border Disputes – Advising In-House Counsel” at Kluwer Law’s 3<sup>rd</sup> Hong Kong Arbitration Forum, Hong Kong, 20 June 2013;
- Spoke on “Enforcement of Investment Treaty Claims under Chinese BITs” at the Annual Conference of the Inter-Pacific Bar Association, Seoul, Korea, 18-20 April 2013.
- Spoke on “Cross-Examination” at the 7<sup>th</sup> GIA Conference “Bridging the Cultural Gap: The Evolution and Harmonization of Arbitration Practices”, Hong Kong, 10 March 2013;
- Spoke on “Arbitration in Sweden” at an arbitration conference organized by All China Lawyers’ Association and CIETAC, 6 December 2012;
- Key-note speaker on “Arbitration in the Energy Sector” at *International Arbitration and ADR in China* conference organized by Kluwer, Beijing, 29 November 2012;
- Spoke on “Technology Development and Evidence in International Arbitration” at a Conference organized by LCIA India in Bangalore on 7 July 2012;
- Spoke on the “ICC and AFIA Annual International Arbitration Symposium”, Hong Kong, 24 March 2012;
- Moderator at “Arbitration Update for the New Year 2012”, seminar organized by the HK 45;
- Spoke on “Investment Arbitration: Regional Updates and Perspectives” at *ADR in Asia* Conference, organized by HKIAC in Hong Kong on 28 September 2011;
- Spoke on “Investment Arbitration and China” at *Duelling with Dragons: Managing Business Disputes in Today’s China* – conference organized by CIETAC and HKIAC in New York on

20 September 2011;

- Keynote speaker on “10 years of Energy Charter Treaty Arbitration”, conference organized by the SCC, the Energy Charter Secretariat and ICSID, 9-10 June 2011;
- Moderator at the seminar “May I have Tea Here and Dim Sum Elsewhere”? A Tea House Debate on Whether Awards That Have Been Set Aside Should Be Enforced in a Different Jurisdiction – An ICDR seminar in Hong Kong on 6 April 2011;
- Spoke on the “Selection of Arbitrator” and “Cultural Differences at the conference “Advocacy, Efficiency and Collegiality: Stepping stones for the future of international arbitration”– Arbitration Conference, Hong Kong on 5 April 2011;
- Moderator at “Introducing the New Hong Kong Arbitration Ordinance”, Seminar organized by the HKIAC and the HK45, Hong Kong on 22 March 2011;
- Spoke on “Protecting Chinese Overseas Investments”, Seminar organized by CIETAC, 16 March 2011.